

IN THE DISTRICT/SUPERIOR COURT FOR THE STATE OF ALASKA
AT ANCHORAGE

Clara & Mark Sequak
Plaintiff(s),

vs.

Eric L. Noble, m.d.; John Thomas
Boyd, m.d.; Amie C. Wu, m.d.;
and Regan A. Ramsey, m.d.
Defendant(s).

CASE NO. 3AN-17-10291 CI

SUMMONS AND
NOTICE TO BOTH PARTIES
OF JUDICIAL ASSIGNMENT

To Defendant: John Thomas Boyd, m.d.

You are hereby summoned and required to file with the court a written answer to the complaint which accompanies this summons. Your answer must be filed with the court at 825 W. 4th Ave., Anchorage, Alaska 99501 within 20 days* after the day you receive this summons. In addition, a copy of your answer must be sent to the plaintiff's attorney or plaintiff (if unrepresented) Margaret Simonian, whose address is: Dillon & Findley, P.C.
1049 W. 5th Ave., #200, Anchorage, AK 99501

If you fail to file your answer within the required time, a default judgment may be entered against you for the relief demanded in the complaint.

If you are not represented by an attorney, you must inform the court and all other parties in this case, in writing, of your current mailing address and any future changes to your mailing address and telephone number. You may use court form *Notice of Change of Address / Telephone Number* (TF-955), available at the clerk's office or on the court system's website at www.courts.alaska.gov/forms.htm, to inform the court. - OR - If you have an attorney, the attorney must comply with Alaska R. Civ. P. 5(i).

NOTICE OF JUDICIAL ASSIGNMENT

TO: Plaintiff and Defendant

You are hereby given notice that:

☒ This case has been assigned to Superior Court Judge MILLER
and Master _____.

☐ This case has been assigned to District Court Judge _____.

CLERK OF COURT

11/8/17
Date



By: [Signature]

Deputy Clerk

I certify that on 11/8/17 a copy of this Summons was ☐ mailed ☒ given to
☐ plaintiff ☒ plaintiff's counsel along with a copy of the
☐ Domestic Relations Procedural Order ☐ Civil Pre-Trial Order
to serve on the defendant with the summons.
Deputy Clerk [Signature]

* The State or a state officer or agency named as a defendant has 40 days to file its answer. If you have been served with this summons outside the United States, you also have 40 days to file your answer.

LAW OFFICES
DILLON & FINDLEY
A PROFESSIONAL CORPORATION
1049 W. 5th Ave., Suite 200
Anchorage, Alaska 99501
Tel: (907) 277-5400 • Fax: (907) 277-9896

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

CLARA and MARK SEQUAK,)
)
Plaintiffs,)
)
vs.)
)
ERIC L. NOBLE, M.D.;)
JOHN THOMAS BOYD, M.D;)
AMIE C. WU, M.D.; and)
REGAN A. RAMSEY, M.D.,)
)
Defendants.)

COPY
Original Received

NOV 08 2017

Clerk of the Trial Courts

Case No. 3AN-17- 10291 CI

COMPLAINT

COME plaintiffs, through counsel, the law firm of Dillon & Findley P.C., and for their respective causes of action, allege as follows:

1. Plaintiff Clara Sequak is currently a resident of the State of Illinois. During all times relevant to the claims alleged herein, Clara Sequak was a resident of the State of Alaska. Plaintiff Mark Sequak is and was a resident of Anchorage, Alaska during all times relevant to the facts alleged herein.

2. Defendant Eric L. Noble, M.D. is a medical doctor who is licensed by the State of Alaska and has been, during all

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1 relevant times alleged herein, a resident of Eagle River,
2 Alaska.

3 3. Defendant John Thomas Boyd, M.D. is a medical doctor
4 who is licensed by the State of Alaska and has been, during all
5 relevant times alleged herein, a resident of Anchorage, Alaska.

6 4. Defendant Amie C. Wu, M.D. is a medical doctor who is
7 licensed by the State of Alaska and has been, during all
8 relevant times alleged herein, a resident of Anchorage, Alaska.

9 5. Defendant Regan A. Ramsey, M.D. is a medical doctor
10 who is licensed by the State of Alaska and has been, during all
11 relevant times alleged herein, a resident of Anchorage, Alaska.

12 6. Jurisdiction in this Court is proper under
13 AS 22.10.020. Venue is proper under AS 22.10.030 and Alaska
14 Rule of Civil Procedure 3.¹

15
16
17
18
19 ¹ This case involves care received at the Alaska Native
20 Medical Center. It is likely that some if not all of the
21 providers named were federal employees at the time of the care
22 rendered to baby Mark and their care is governed by the Federal
23 Torts Claims Act ("FTCA"). A proper administrative Form 95 has
24 been filed to toll the statute of limitations for the federal
25 action. However, federal case law does not protect the state
26 ~~statute of limitations for any healthcare provider who is not~~
an employee of the federal government under the FTCA. Since
there is no way to ensure that the healthcare providers who
provided care to baby Mark were federal employees before the
expiration of the state statute of limitations, this Complaint
is necessary to require the United States Government to certify
the status of each provider involved in his care.

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FACTUAL BACKGROUND

7. Baby Mark Sequak was born on November 10, 2015 at Alaska Native Medical Center. He was born at 38 weeks gestation, a normal vaginal delivery, and weighed 8.07 pounds. His APGAR scores were 8 at 1 minute and 9 at 5 minutes.

8. Baby Mark was allowed to stay with his mother in her room.

9. On the morning after his birth he was evaluated by Dr. John Thomas Boyd and noted to have soft, non-tender, non-distended abdomen with normal bowel sounds and no organomegaly.

10. However, later that evening, Londa Larson, R.N. contacted Dr. Boyd several times throughout the shift with concerns about infant's lack of feeding and vomiting. Dr. Boyd was unconcerned and thought infant had enough fat stores to keep him safe from hypoglycemia. Baby Mark was noted to be lethargic.

11. Dr. Eric Noble was notified by telephone that evening by Kimberly Boone, R.N. that baby Mark was not feeding.

12. Dr. Noble evaluated baby Mark after that call at 21:44 by noting that he was notified that baby Mark was not feeding well and was spitting up during the day.

13. Dr. Noble noted only 15 cc of formula, only five minutes of breast feeding, only one wet diaper, and two smears.

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1 Dr. Noble noted that baby Mark's abdomen was not distended. He
2 also noted that baby Mark "was not a very active baby."

3 14. Dr. Noble ordered a lavage of the stomach with 15 cc
4 of saline and a glycerine suppository, as well as a renal
5 ultrasound given family history of Wilms. Dr. Noble noted that
6 sepsis was on his differential diagnosis list, even though baby
7 Mark did not have the risk factors.

8
9 15. Dr. Amie C. Wu evaluated baby Mark the following day,
10 November 12, in a note signed and verified at 5:39 p.m. Dr. Wu
11 noted baby Mark was not latching, but was taking expressed
12 breast milk, 1.5mL, by syringe "though is spitty with that
13 volume" and "still appears gaggy but not having any significant
14 emesis." Dr. Wu included the ultrasound report from that day
15 in her note. It reported baby Mark's pancreas was "heavily
16 obscured by overlying bowel gas, limited visualized portion
17 appears within normal limits." It also reported that baby Mark
18 had a "small amount of fluid in the right upper quadrant
19 adjacent to the right kidney."
20

21 16. Dr. Wu noted with a question mark the significance of
22 the fluid in the right upper quadrant and wrote "consider
23 checking with radiology." She decided not to discharge baby
24 Mark because the inadequately established feedings. Dr. Wu
25 also ordered a lactation consultant.
26

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1 17. Dr. Wu documented a conversation with the radiologist
2 at 6:10 p.m. and noted that she was unclear about the clinical
3 significance of the free fluid. Dr. Wu noted to "consider
4 repeating the AUS in 1 week to re-evaluate."

5 18. Jodie May Sides, R.N. documented that at 15:36 on
6 November 12, now nearly 48 hours after baby Mark's birth, he
7 has not stooled, and has only had 2 "smear[s]" since birth.
8 Ms. Sides documented that "poor feeding" and "no stool" "only
9 smear X2 since birth."

10 19. During the evening of November 12, baby Mark's
11 condition deteriorated. At 19:29, baby Mark's glucose level
12 was reported at 38, a critical level with the normal range
13 between 65 and 99.
14

15 20. Carmen McDowell, R.N. contacted Dr. Noble at 20:00,
16 or 8:00 p.m., to report baby Mark's low glucose lab results.
17 Dr. Noble responded that the nurse should follow blood sugar
18 protocols. At 21:56, baby Mark's glucose remained low at 50.
19

20 21. At 23:00, or 11:00 p.m. that same night, Carmen
21 McDowell, R.N. noted that baby Mark's abdomen was distended.
22 At 12:50 a.m. on November 13, baby Mark's glucose again dropped
23 to a critical level of 40.
24
25
26

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1 22. Nurse McDowell called Dr. Noble at 1:00 a.m. on
2 November 13 reporting both the blood sugar problem and the
3 distended abdomen and girth.

4 23. Three and ½ hours later Dr. Noble evaluated baby Mark
5 and transferred him to the NICU because of his hypoglycemia.
6 Dr. Noble noted the concerning trend in baby Mark's glucose
7 levels. Dr. Noble notes baby Mark is more interested in
8 feeding now. Yet, Dr. Noble instituted a nasogastric feeding
9 tube to feed baby Mark, as well as continuing intravenous
10 fluids. Dr. Noble noted that a critical hypoglycemia lab was
11 not necessary, but would consider it if the low glucose
12 persisted.
13

14 24. Baby Mark was not evaluated by a doctor again on
15 November 13. His abdomen continued to be distended. He had no
16 stool. He had one reported session of breastfeeding.
17

18 25. The next afternoon, on November 14, baby Mark was
19 evaluated by Dr. Regan Ramsey. Dr. Ramsey notes baby Mark's
20 abdomen is non-distended, but the nursing notes that day report
21 it as distended. Baby Mark remained on a feeding tube.
22 Dr. Ramsey notes the hypoglycemia is resolved.
23

24 26. Throughout the day on November 14 baby Mark was not
25 breastfeeding. Some "loose" stools are documented.
26

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1 27. Dr. Ramsey evaluates baby Mark on November 15 at
2 approximately 11:46 a.m. Dr. Ramsey decided to transfer baby
3 Mark out of the NICU to a room to promote breastfeeding with
4 his mother Clara Sequak. He notes that the feeding tube was
5 necessary because Mom not present for breastfeeding.

6 28. But, the nursing notes that day indicate that
7 "parents at bedside most of the day, appropriate and
8 attentive," and also describe Clara's futile attempts to
9 breastfeed baby Mark because of his lack of suckle.
10

11 29. Dr. Ramsey also states baby Mark's abdomen is non-
12 distended.

13 30. But, the nursing notes from that day document baby
14 Mark's abdomen remains distended and even noted a measurement
15 of 36 cm. The nursing notes also indicate baby Mark is unable
16 to elicit a suck.
17

18 31. On Dr. Ramsey's orders, baby Mark was discharged to a
19 room out of NICU at some point that day. He would not
20 breastfeed despite many attempts described in the nursing
21 notes. The nursing notes describe baby Mark as too sleepy to
22 breastfeed, despite attempts to wake him. Baby Mark had
23 generalized jaundice with a bilirubin of 14.27.
24

25 32. On November 16, baby Mark was four days old and was
26 still on a feeding tube. Dr. Ramsey's note signed at

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1 11:07 a.m. that day notes that the lactation consultant was
2 concerned about baby Mark's lack of rooting/suck. Baby Mark
3 was no longer in the NICU. Dr. Ramsey again notes that baby
4 Mark's abdomen was not distended.

5 33. But, again the nursing notes describes his stomach as
6 distended, now measuring 39 cm.
7

8 34. Dr. Noble made an entry at 6:28 p.m. noting "baby
9 still not interested in latching although per mom did so
10 earlier in the week. Thyroid functions look normal. Will add
11 a MRI of the head for tomorrow and CMP and ammonia level this
12 evening." Baby Mark's thyroid laboratory results were both
13 high. Dr. Noble did not note any physical examination of baby
14 Mark, mention his jaundice, or his elevated bilirubin level.
15

16 35. No comprehensive blood panel or chemical panel was
17 ordered between November 13 and November 16, before Dr. Noble
18 ordered blood for an ammonia level at 6:11 p.m. on November 16.

19 36. At 7:00 p.m., Carolyn Wohlers, R.N. documented a
20 distended, firm and rigid abdomen, a firm stool in hard chunks.
21 She described baby Mark as lethargic, weak, with hypotonic
22 movements. She called Dr. Noble because of the declining
23 status of baby Mark. She reported a condition change noting
24 that baby Mark had abnormal assessment findings, severe
25 jaundice, a protuberant abdomen measuring 40 cm, listlessness,
26

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1 tachypneic, grunting with respirations, and intercostal
2 retractions.

3 37. At 8:45 p.m., intrahospital transfer was ordered by
4 Dr. Elizabeth Gotcsik. She also ordered at 8:46 p.m. an
5 abdominal x-ray. The x-ray revealed diffuse pneumatosis, and
6 necrosis with a perforation in the bowel.
7

8 38. Blood was collected at 9:49 p.m. Those results
9 showed baby Mark was septic, with a white blood cell count at
10 2.06, a critically low level, his platelet count was low, and
11 his C-reactive protein was high.

12 39. Dr. Gotcsik noted that Clara told her that Mark, Sr.
13 had a history of Hirschsprung's disease requiring surgery in
14 infancy. She also noted that a suppository was given because
15 of baby Mark's failure to stool after birth.
16

17 40. Baby Mark was transferred to Providence Alaska
18 Medical Center NICU and was immediately brought to surgery for
19 a subtotal colectomy. He had multiple perforations and
20 necrosis of the colon, a total colectomy was required. Baby
21 Mark remained unstable and critically ill after the surgery.
22

23 41. Baby Mark coded the following morning at 9:40 a.m.,
24 and resuscitation efforts were unsuccessful.
25
26

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1 42. Baby Mark's resected colon was sent to pathology and
2 revealed the absence of ganglion cells diagnosing
3 Hirschsprung's disease.

4 43. Hirschsprung's disease is a treatable disease with
5 surgery with most patients enjoying a normal quality of life
6 after corrective surgery.
7

8 COUNT I - WRONGFUL DEATH AS 09.15.010

9 Plaintiffs re-allege paragraphs 1 through 43 as if fully
10 set forth herein and further allege as follows:

11 44. Defendant Dr. Eric L. Noble owed a duty to baby Mark
12 to assess, diagnose and treat him within the appropriate
13 standard of care and/or with the knowledge or skill ordinarily
14 exercised by medical doctors trained in the field of
15 pediatrics.
16

17 45. Dr. Noble either lacked the degree of knowledge or
18 skill or failed to exercise the degree of care ordinarily
19 exercised by medical doctors trained in the field of pediatrics
20 and was negligent and/or reckless in at least the following
21 ways: failing to properly evaluate, assess, refer and treat
22 baby Mark.

23 46. As a direct and proximate cause of negligent and/or
24 reckless conduct as above alleged, Dr. Noble caused baby Mark
25
26

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1 pain and suffering and death, and caused Clara and Mark Sequak
2 pain and suffering.

3 **COUNT II - WRONGFUL DEATH AS 09.15.010**

4 Plaintiffs re-allege paragraphs 1 through 46 as if fully
5 set forth herein and further allege as follows:

6 47. Defendant Dr. John Thomas Boyd owed a duty to baby
7 Mark to assess, diagnose and treat him within the appropriate
8 standard of care and/or with the knowledge or skill ordinarily
9 exercised by medical doctors trained in the field of
10 pediatrics.
11

12 48. Dr. Boyd either lacked the degree of knowledge or
13 skill or failed to exercise the degree of care ordinarily
14 exercised by medical doctors trained in the field of pediatrics
15 and was negligent and/or reckless in at least the following
16 ways: failing to properly evaluate, assess, refer and treat
17 baby Mark.
18

19 49. As a direct and proximate cause of negligent and/or
20 reckless conduct as above alleged, Dr. Boyd caused baby Mark
21 pain and suffering and death, and caused Clara and Mark Sequak
22 pain and suffering.
23

24 **COUNT III - WRONGFUL DEATH AS 09.15.010**

25 Plaintiffs re-allege paragraphs 1 through 49 as if fully
26 set forth herein and further allege as follows:

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1 50. Defendant Dr. Amie C. Wu owed a duty to baby Mark to
2 assess, diagnose and treat him within the appropriate standard
3 of care and/or with the knowledge or skill ordinarily exercised
4 by medical doctors trained in the field of pediatrics.

5 51. Dr. Wu either lacked the degree of knowledge or skill
6 or failed to exercise the degree of care ordinarily exercised
7 by medical doctors trained in the field of pediatrics and was
8 negligent and/or reckless in at least the following ways:
9 failing to properly evaluate, assess, refer and treat baby
10 Mark.
11

12 52. As a direct and proximate cause of negligent and/or
13 reckless conduct as above alleged, Dr. Wu caused baby Mark pain
14 and suffering and death, and caused Clara and Mark Sequak pain
15 and suffering.
16

17 COUNT IV - WRONGFUL DEATH AS 09.15.010

18 Plaintiffs re-allege paragraphs 1 through 52 as if fully
19 set forth herein and further allege as follows:

20 53. Defendant Dr. Regan A. Ramsey owed a duty to baby
21 Mark to assess, diagnose and treat him within the appropriate
22 standard of care and/or with the knowledge or skill ordinarily
23 exercised by medical doctors trained in the field of
24 pediatrics.
25
26

COMPLAINT

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1 54. Dr. Ramsey either lacked the degree of knowledge or
2 skill or failed to exercise the degree of care ordinarily
3 exercised by medical doctors trained in the field of pediatrics
4 and was negligent and/or reckless in at least the following
5 ways: failing to properly evaluate, assess, refer and treat
6 baby Mark.
7

8 55. As a direct and proximate cause of negligent and/or
9 reckless conduct as above alleged, Dr. Ramsey caused baby Mark
10 pain and suffering and death, and caused Clara and Mark Sequak
11 pain and suffering.

12 WHEREFORE, plaintiffs pray for relief as follows:

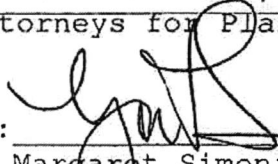
13 1. For compensatory damages, in excess of \$100,000.00,
14 the exact amount to be proven at trial, including, but not
15 limited to, pain and suffering and death;
16

17 2. For costs, attorney's fees and pre-judgment interest;
18 and

19 3. For such other and further relief as the Court deems
20 just and proper.

21 DATED this 8th day of November 2017, at Anchorage, Alaska.
22

23 DILLON & FINDLEY, P.C.
24 Attorneys for Plaintiffs

25 By: 
26 Margaret Simonian
 ABA No. 9901001

COMPLAINT

Clara & Mark Sequak vs. Eric L. Noble, M.D., et al.

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LAW OFFICES
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IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

CLARA and MARK SEQUAK,)
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Plaintiffs,)
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ERIC L. NOBLE, M.D.;)
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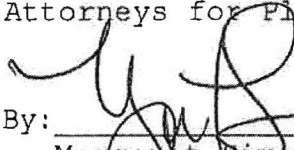
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DEMAND FOR JURY TRIAL

Plaintiffs, through counsel, the law firm of Dillon & Findley, P.C., hereby request and demand a trial by jury on all issues triable of right by jury in the above-referenced matter.

DATED this 8th day of November 2017, at Anchorage, Alaska.

DILLON & FINDLEY, P.C.
Attorneys for Plaintiffs

By: 
Margaret Simonian
ABA No. 9901001

1 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

2 THIRD JUDICIAL DISTRICT AT ANCHORAGE

3
4
5 CLARA and MARK SEQUAK,)

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8 ERIC L. NOBLE, M.D.;)

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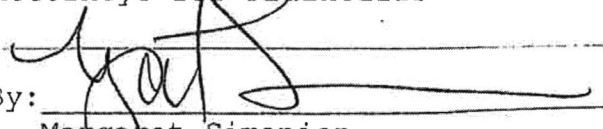
Clerk of the Trial Courts

14 **ENTRY OF APPEARANCE**

15 The law firm of Dillon & Findley P.C. hereby enters its
16 appearance on behalf of the plaintiffs in the above-captioned
17 case. All future pleadings and documents should be served on
18 Dillon & Findley, P.C. at 1049 W. 5th Avenue, Suite 200,
19 Anchorage, AK 99501.

20 DATED this 8th day of November 2017, at Anchorage, Alaska.

21 DILLON & FINDLEY, P.C.
22 Attorneys for Plaintiffs

23 By: 
24 Margaret Simonian
25 ABA No. 9901001
26